



U.S. Commission on International Religious Freedom Briefing

Silencing Religious Freedom in Africa: The Impact of Speech Restrictions

Statement

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Thank you, Chair Perkins, and thank you again to everyone joining us today. Research for this survey of speech laws in Africa revealed a large number of problematic laws which have the potential to restrict religious freedom. Rather than protect individuals' rights, laws are frequently being used to restrict free expression of opinion and belief. Despite states making numerous amendments to penal codes over the past two decades, apostasy and blasphemy laws have remained intact. In some cases, such as in Sudan and Mauritania, the laws were amended to be more severe in 2015 and 2017, respectively. States with state religions were more likely to have blasphemy and apostasy laws, and were more likely to receive higher (worse) scores based on the indicators we used, which are the same as those used in USCIRF's previous report on blasphemy laws globally. In these states as in others, the laws have been used to silence minorities, to protect the dominant religious beliefs rather than individual rights, and to discourage or punish non-belief.

In Mauritania in 2013, a blogger named Mohammed Mkheyti published an article about religion and racism, which the government regarded as blasphemy. He was sentenced to death, but in 2017 the Court of Appeals found that he had appropriately repented and ordered a lesser sentence. He was finally released this past July.

In the case of Sudan, new clauses were added to the law – which you can read in the appendices of our report – further restricting the freedom to speak critically of Islam and Islamic figures. Since the removal of Omar Al Bashir from power this year and the appointment of new

leadership in the transitional government, both civil society as well as officials have been increasingly working towards addressing these problematic laws in Sudan.

In both Mauritania and Sudan we have seen continued public support for the maintenance of these laws, suggesting that greater public education and discourse around freedoms of religion and speech would be needed to move political leaders closer to the repeal of such laws.

As Kirsten explained, we also looked at hate speech laws, which are less problematic for religious freedom but often use language such as “incitement to discrimination” based on religion among other identity groups or “religious hatred” in addition to incitement to violence. The Gambia and Eritrea both have laws that can be analyzed as blasphemy or hate speech restrictions, and which broadly restrict discourse and criticism about religion.

We found that laws restricting the media and free press often prohibit hate speech, and are open to misuse for political purposes. One example that we mention is that of the Democratic Republic of the Congo, where the government in 2014 took the severe step of ordering the closure of multiple radio stations under various justifications, such as “incitement to hatred and insurrection.”

In some countries, officials respond to inter-religious or inter-ethnic tensions with new laws, believing that existing ones cannot address the issues in the country – such as with the new laws put forward recently in Ethiopia and Nigeria.

While the intentions behind speech laws may include the goal of protecting religious individuals or reducing interreligious and interethnic conflict and violence, they can also easily be open to abuse for political purposes, to target opponents, and violate the freedom of expression.

Once again, we recommend that all apostasy and blasphemy laws be repealed. States can maintain hate speech laws that meet international standards, which could potentially support some of the purported goals behind blasphemy laws. Ultimately, even if not enforced in full or in part, leaving blasphemy laws in place leaves them open to use and abuse in the future. We further recommend Congress support House Resolution 512 calling for the global repeal of blasphemy, heresy, and apostasy laws.

Among our recommendations we suggest that the U.S. government provide funding and other support to programs that engage civil society in countering hate speech, discrimination, and violence based on identity through non-legislative means. Religious leaders, peacebuilding organizations, journalists, and other civil society actors are often engaged in creative ways to counter hate and shift culture and discourse towards mutual respect and understanding.

In addition to supporting civil society, the U.S. can increase partnerships with African states to conduct workshops with officials on responsive government practice, inclusive approaches to minority community needs, and foster deeper discussions on the impacts of speech restrictions on freedom of religion or belief.

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